

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Conor O'Shea	Team: Squad #6	CCRB Case #: 201808971	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 10/27/2018 4:00 PM	Location of Incident: § 87(2)(b)	Precinct: 78	18 Mo. SOL 4/27/2020	EO SOL 12/12/2020	
Date/Time CV Reported Sat, 10/27/2018 5:05 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 10/27/2018 5:05 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Diane Hopkins	25021	952861	078 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Diana Lopez	09250	939756	078 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Diane Hopkins	Abuse: Police Officer Diane Hopkins threatened to arrest § 87(2)(b)	§ 87(2)(b)
B.POF Diane Hopkins	Abuse: Police Officer Diane Hopkins threatened to remove § 87(2)(b) to the hospital.	§ 87(2)(b)

Case Summary

On October 27, 2018, § 87(2)(b) filed this complaint over the phone via the CCRB's DIRAD call processing system.

On October 27, 2018, at approximately 4:00 p.m., Police Officer Diane Hopkins and Police Officer Diana Lopez, both of the 78th Precinct, responded to an on-going series of domestic disputes at § 87(2)(b) in Brooklyn between § 87(2)(b) and her adult daughter, § 87(2)(b). PO Hopkins allegedly told § 87(2)(b) "Someone's going to jail today" (Allegation A: Abuse of Authority, § 87(2)(g)). PO Hopkins allegedly threatened to forcibly remove § 87(2)(b) to the hospital if she continued calling 911 (Allegation B: Abuse of Authority, § 87(2)(g)). No arrest or summons resulted.

There is no video evidence in this case. As of October 27, 2018, the 78th Precinct had not yet begun participating in the body-worn camera (BWC) program.

Findings and Recommendations

Allegation A—Abuse of Authority: Police Officer Diane Hopkins threatened to arrest § 87(2)(b)

The following facts are undisputed. At the time of this incident, § 87(2)(b) lived at § 87(2)(b) in Brooklyn, on the ground floor. Her adult daughter, § 87(2)(b), owned the building and lived on the first floor but also shared living space with § 87(2)(b) on the ground floor. § 87(2)(b) and § 87(2)(b) frequently had domestic disputes over missing or misplaced objects around their shared apartment. Officers from the 78th Precinct's Domestic Violence (DV) Unit frequently responded to such incidents. On October 27, 2018, at approximately 4:00 p.m., § 87(2)(b) called the 78th Precinct's DV Office and asked to speak with PO Hopkins, with whom she had interacted previously and who was familiar with the § 87(2)(b) family dynamic. PO Hopkins and PO Lopez responded shortly thereafter. § 87(2)(b) alleged to PO Hopkins that § 87(2)(b) had stolen small items around the apartment and had also previously pushed her, causing some injuries. PO Hopkins discussed § 87(2)(b)'s allegations with her and then with § 87(2)(b) and viewed a cell phone video of the prior incident. PO Hopkins believed that the cell phone video unfounded § 87(2)(b)'s allegations against § 87(2)(b) § 87(2)(b)'s property manager, § 87(2)(b), was also present. No arrest or summons resulted. There is no video or audio evidence of this incident, as PO Hopkins and PO Lopez did not have BWCs.

§ 87(2)(b) (Board Review 01, 02) testified that, while PO Hopkins discussed this incident with her, PO Hopkins stated that "Somebody's going to jail today."

§ 87(2)(b) provided a telephone statement (Board Review 03). After PO Hopkins viewed the cell phone video of the prior altercation, PO Hopkins informed § 87(2)(b) that her allegations of assault were, in fact, unfounded. This upset § 87(2)(b). PO Hopkins asked § 87(2)(b) if she had proof of her allegations against § 87(2)(b) and she replied that she did not. PO Hopkins stated that the police "can't just arrest someone" based on an uncorroborated allegation. § 87(2)(b) did not remember if PO Hopkins threatened to arrest § 87(2)(b) during the ensuing argument.

§ 87(2)(b) provided a telephone statement (Board Review 04). He did not remember this incident, seeing as officers respond to similar disputes approximately three to four times per week at § 87(2)(b)'s residence.

PO Hopkins (Board Review 05) testified that she conducted an investigation of § 87(2)(b)'s allegations that § 87(2)(b) had pushed and injured her upon arrival at the apartment.

§ 87(2)(b) caused. § 87(2)(b) refused to go to the hospital. The only conversation about a mental evaluation that § 87(2)(b) remembered occurring was in the context of PO Hopkins advising § 87(2)(b) to get a mental hygiene warrant for § 87(2)(b) so she did not remember whether PO Hopkins threatened to forcibly remove § 87(2)(b) to the hospital.

§ 87(2)(b) provided a telephone statement (**Board Review 04**). He did not remember this incident, seeing as officers respond to similar disputes approximately three to four times per week at § 87(2)(b) residence.

PO Hopkins (**Board Review 05**) denied threatening to forcibly remove § 87(2)(b) to the hospital in general, or threatening to do so if § 87(2)(b) continued calling 911 for small family disputes in particular. PO Hopkins did not believe that § 87(2)(b) was a danger to herself or others, but rather that she lived uncleanly and needed some unspecified form of medical help. PO Hopkins was unable to specify what, exactly, she thought was wrong with § 87(2)(b) aside from her hoarding condition and apparent obesity.

PO Lopez (**Board Review 06**) testified that she did not remember any specific jobs to which she responded on October 27, 2018, and only remembered going to home visits with PO Hopkins. PO Lopez did not remember any specifics of this incident.

NYPD Patrol Guide Procedure 221-13 (Board Review 10) requires that members of service take into protective custody and remove to the hospital any individual that a member of service reasonably believes is an Emotionally Disturbed Person (EDP), the definition of which is twofold, and applies only if a person both appears “mentally ill or emotionally disturbed” and “is conducting [herself] in a manner likely to result in a serious injury to [herself] or others.”

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to three other CCRB complaints and has been named as a victim in two other allegations (**Board Review 11**):
 - § 87(2)(b)
 -
- PO Hopkins has been a member of service for seven years and named a subject officer in one other CCRB complaint and one other allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- According to the New York City Office of the Comptroller, § 87(2)(b) had not filed a Notice of Claim regarding this incident as of October 23, 2019 (**Board Review 12**).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: #06

Investigator:	_____	<u>Investigator Conor O'Shea</u>	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	<u>Inv. Manager Jessica Peña</u>	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date